

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reissue

Application Serial No: 09/014,518

Group Art Unit: 1615

Applicant:

Roderick Thompson Examiner:

Filed:

January 28, 1998

For:

U.S. Patent 5,472,790

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DECLARATION OF JOHN R. BENEFIEL

John R. Benefiel does declare that:

1. Attached as Exhibit 1 is a true copy of a report of tests done on a Counter-Maid sample by OCM Laboratories which I commissioned and which confirms that the sample is made of copolymer polypropylene.

2. I have examined the Counter-Maid samples attached to the Supplemental Fishman Declaration. These samples are of flexible plastic and have a "lay flat" characteristic, and the thickness of which I have measured with a micrometer as about .009 inches thick.

3. I placed a small plastic bag containing 5 ounces of nuts and bolts on one of the samples at a distance of 10 inches from one end.

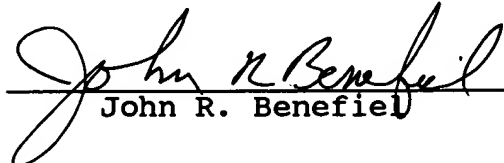
4. Upon flexing the sample into a trough shape, I was easily able to lift the sheet by holding it adjacent the one end with the weight disposed thereon at a distance of 10 inches from the one end, and transfer the same any desired distance while walking, using the flexed sheet for support.

5. Attached is a true copy of a package for the flexible mats bearing the Chop Chop trademark used by Roderick Thompson when selling the mats through Schneider Plastics, Inc.

6. Attached are true copies of Modern Plastics, Mid-November 1994; Branson Technical Information, PW-1, 4/93, and The International Plastics Selector, Inc., 1979.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 5-26-98

  
John R. Benefiel

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13 IN THE UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 NEW AGE PRODUCTS, INC.,

16 Plaintiff,

17 v

Civil Action No.  
96 2129 J CGA

18 PROGRESSIVE INTERNATIONAL CORPORATION,

19 Defendant.

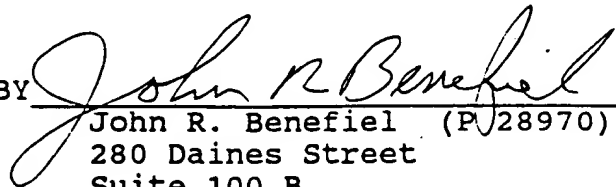
20 CERTIFICATE OF SERVICE

21 It is hereby certified that a copy of the foregoing DEFENDANT  
22 KEVIN WOLD'S ANSWER was mailed, first class mail postage prepaid,  
23 on December 5, 1997 to attorney for Plaintiff, as follows:

24 Neil F. Martin  
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Dated: December 5, 1997